

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1519V

Filed: June 21, 2017

UNPUBLISHED

SCOTT RODEMOYER,

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Petitioner,

*

v.

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Ruling on Entitlement; Concession;

Shoulder Injury Related to Vaccine

Administration (SIRVA);

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SECRETARY OF HEALTH

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Influenza (Flu) Vaccination;

AND HUMAN SERVICES,

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Special Processing Unit (SPU)

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Respondent.

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Isaiah Richard Kalinowski, Maglio, Christopher, and Toale, PA, Washington, DC, for petitioner.

Daniel Anthony Principato, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On November 15, 2016, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that he suffered a left shoulder injury as a result of his October 24, 2015 influenza (“flu”) vaccination. *See generally* Petition at 1-4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 19, 2017, respondent filed his Rule 4(c) report in which he indicates that petitioner’s injury is “consistent with a shoulder injury related to vaccine administration (‘SIRVA’)” and concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent “has concluded that a preponderance of evidence establishes that the injury to [p]etitioner’s left shoulder was

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

caused-in-fact by the administration of the flu vaccine on October 24, 2015.” *Id.* at 3. Respondent further agrees that “[p]etitioner’s injury is not due to factors unrelated to the administration of the flu vaccine, and [p]etitioner has suffered the sequela of his injury for more than six months.” *Id.* Finally, “[r]espondent has concluded that [p]etitioner has satisfied all legal prerequisites for compensation under the Vaccine Act.”

In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master